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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,595	02/26/2004	Jae Hoon Kim	P69537US0	4375

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EXAMINER	
TRAN LIEN, THUY	

ART UNIT	PAPER NUMBER
1761	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/786,595	KIM ET AL.	
	Examiner	Art Unit	
	Lien T. Tran	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) *1-3 and 8* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-7 and 9-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Applicant's election with traverse of Group II, claims 4-7, 9-11 in the reply filed on 9/6/05 is acknowledged. The traversal is on the ground(s) that the two inventions are closely related and define a single invention. This is not found persuasive because the two inventions are not closely related. The processing steps of Invention I is different from the processing steps of Invention II. The products formed from the two methods are different. Thus, the two inventions do not define a single invention. Different searches are required to search the two inventions.

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-7,9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Rooij et al.

De Rooij et al disclose a method of making potato snacks such as French fries, potato chips and potato crisps. The process comprises the steps of immersing potato

parts in nearly boiling water, sieving out the potato parts, dip potato parts in cold water, drying the potato parts and frying the potato parts. The potato parts can also be frozen and then fried. The process includes the step of treating the potato parts during thermal blanching in an aqueous solution of a processed flavor comprising cysteine and lysine. (see col. 1 lines 54-67, col. 2 lines 8, 41-45, col. 3 lines 1-30

De Rooij et al do not disclose peeling, and nitrogen flush packaging, soaking the potato in the solution containing the amino acid after blanching and the amount of amino acid as claimed.

It would have been obvious to peel the potato when one does want the outside covering. It would have been obvious to use nitrogen flush packaging to enhance the shelf stability of the product during storage. This is well known in the art. It would have been obvious to add the amino acid during blanching or to soak the potato parts after blanching because both methods will introduce the amino acid into the potato part. Both soaking and blanching are known alternative methods for causing ingredients in the solution to be absorbed by the potato parts. The amount of amino acid disclosed by De Rooij et al is higher than the amount claimed. However, it would have been obvious to one skilled in the art to use smaller amount depending on the intensity of flavoring wanted. The amount used is a result-effective variable and it would have been within the skill of one in the art to determine the amount which would give the result desired.

Claims 4-7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elder et al.

Elder et al disclose a method for reducing acrylamide formation in thermally processed foods. The foods includes potato-containing product, processed oat, corn masa etc... The method comprises the steps of peeling the potatoes, slicing the potatoes, washing the potato slices , frying the slices and seasoning the slices. The method includes the steps of treating the foods before cooking with agents to reduce acrylamide formation. The agents include cysteine, lysine, glutamic acid, aspartic acid, glycine, histidine, alanine, methionine etc.. The amino acid can be incorporated into the food by soaking. The amounts of amino acids used are shown in tables 1 and 9 (see page 1 paragraph 0011, page 2 para. 0016, 0025, page 3 .0028, page 6 para. 0059)

Elder et al do not disclose nitrogen flush packaging, blanching the potatoes and soaking the potato in the solution containing the amino acid after blanching and the amount of amino acid as claimed.

Elder et al teach soaking the potatoes in the amino acid solution. It would have been obvious to add the amino acid during blanching or to soak the potato parts after blanching because both methods will introduce the amino acid into the potato part. Both soaking and blanching are known alternative methods for causing ingredients in the solution to be absorbed by the potato parts. It would also have been obvious to blanch the potatoes because this is a conventional step for processing potato to make potato products. It would have been obvious to use nitrogen flush packaging to enhance the shelf stability of the product during storage. This is well known in the art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barry et al disclose a method for reducing acrylamide formation in thermally processed foods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T. Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cano Milton can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 18, 2005

LIEN TRAN
PRIMARY EXAMINER
Group 1700